

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

PEDRO A. FIGUEROA,

Petitioner,

V.

DIRECTOR, TEXAS
DEPARTMENT OF CRIMINAL
JUSTICE, CORRECTIONAL
INSTITUTIONS DIVISION,

Respondent.

§ § § § §

Case No. 3:21-cv-1033-X-BH

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

failed to meet the “demanding standard” of an actual innocence claim, which “is seldom met.”³

Figueroa objected to the Magistrate Judge’s report, raising two arguments as to why the statute of limitations should be tolled: (1) a lack of legal assistance in filing his petition and (2) his lack of “understanding the English language.”⁴

Figueroa’s arguments offer no response to the Magistrate Judge’s conclusion that his habeas action is barred by 28 U.S.C. § 2244(d). Figueroa cites two cases in support of his objection, neither of which is binding on this Court and neither of which contradicts the Magistrate Judge’s report.⁵ Accordingly, the Court **OVERRULES** Figueroa’s objection because he has not presented any legal reason to support tolling the statute of limitations.


The District Court reviewed *de novo* those portions of the proposed findings, conclusions, and recommendations to which objection was made, and reviewed the remaining proposed findings, conclusions, and recommendations for plain error. Finding none, the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge. [Doc. No. 25]. Accordingly, the Court **DISMISSES** Figueroa’s petition.

³ *Id.* at 6 (quoting *Floyd v. Vannoy*, 894 F.3d 143, 145–55 (5th Cir. 2018)).

⁴ Doc. No 26 at 1.

⁵ *Id.* (citing *U.S. v. Bendolph*, 409 F.3d 155 (3d Cir. 2005) (holding that an indigent defendant is entitled to the appointment of counsel for a post-conviction § 2255 evidentiary hearing); *U.S. v. Mejia*, 600 F.3d 12 (1st Cir. 2010) (holding that the district court did not abuse its discretion by allowing a detective to testify as to the content of the defendant’s incriminating statements given that the statements were made in Spanish and the detective translated them to English)).

IT IS SO ORDERED, this 7th day of December, 2022.



BRANTLEY STARR
UNITED STATES DISTRICT JUDGE